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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,573	06/30/2003	Roopesh R. Varier	6533/53765	5168
30505 7590 10/16/2007 LAW OFFICE OF MARK J. SPOLYAR 2200 CESAR CHAVEZ STREET SUITE 8 SAN FRANCISCO, CA 94124			EXAMINER HARPER, KEVIN C	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/611,573

Applicant(s)

VARIER ET AL

Examiner

Kevin Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-36 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive.

1. Applicant argued that Carpini does not disclose data packets are not forwarded between the first interface and the second interface. However, Carpini notes that data packets from node C are sent to node A and then to node B (fig. 1A). The office action noted that it would be obvious to send packets in the reverse direction from node B to node A and then to node C.
2. Applicant argued that Carpini does not relate do synchronization. However, Carpini is directed to failover-related synchronization (para. 88) as similarly described in the specification on page 4, lines 19-20 and page 6, line 29. The packets are copied and sent via a first path and a second path and one of the copies is discarded at the peer device (para. 88).
3. Applicant argued that that Carpini does not disclose destination hosts. However, end hosts send and receive packets from the routers (fig. 1A; para. 42, last five lines).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 10-13, 15-23 and 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpini et al. (US 2003/0043792).

4. Regarding claims 1 and 36, Carpini discloses an apparatus (fig. 1A, item 3) enabling synchronization of network traffic with at least one network device (item 5). The apparatus comprises a first network interface (item 11; para. 42, last four lines) for communication with a first network device, a second network interface for communication with a second network device (item 13), and a third interface (item 19) for sending synchronization packets to a partner network device

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(item 5), and a control module (fig. 2, item 79). The control module receives data packets on the first and second interfaces, exchanges synchronization packets on the third interface (para. 88), where packets received on a third interface are processed (fig. 3; para. 88, last nine lines).

5. However, Carpini does not disclose a bidirectional interface. Although, Carpini discloses interfaces for exchanging data with end nodes and routers, and processing received data (figs. 2-3). Therefore, it would have been obvious to one skilled in the art to have bidirectional interfaces and associated transmit/receive functionality in each router in the invention of Carpini in order to beneficially allow a two-way exchange of data in each router as is known in the art.

6. Regarding claim 2, synchronization packets are discarded before transmitting data packets to the destinations (para. 88, last four lines; note: only one of the paths are chosen, where each path carries identical data packets).

7. Regarding claim 3, the apparatus comprises a fourth interface (item 21; note: primary and backup LSPs).

8. Regarding claims 4-5 and 13, the packets are encapsulated with synchronization headers, which are summary versions (para. 88; note: duplicate flow labels).

9. Regarding claim 6, the interfaces are wired (fig. 1a).

10. Regarding claims 10-12, the data is verified (para. 88; note: fault or failure is determined).

11. Regarding claims 15-23, these limitations have been addressed in the rejection of claims 1-6 and 10-13 above.

12. Regarding claims 27 and 29-32, these limitations have been addressed in the rejection of claims 1-6 and 10-13 above. Additionally, the bandwidth management module is the processor (item 79; para. 98, lines 7-9).

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13. Regarding claim 28, the bandwidth management device enforces bandwidth constraints (para. 98).

Claims 7-9, 24-26 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpini as applied to claim 1, 3 19, 20, 27 or 29 above, and further in view of Garcia-Luna-Aceves (US 2002/0167960).

14. Regarding claims 7-9, 24-26 and 33-35, Carpini does not disclose the routers as having interfaces as wireless. Garcia discloses wireless interfaces for routers (fig. 3; para. 58). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have wireless connectivity in the invention of Carpini in order to provide an alternate method of transferring data (Garcia, para. 3).

***Allowable Subject Matter***

15. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the

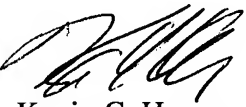
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date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is [kevin.harper@uspto.gov](mailto:kevin.harper@uspto.gov).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

October 15, 2007